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Mail Stop Patent Application  
Commissioner for Patents  
Post Office Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

"EXPRESS MAIL" Mailing Label No. . . . . EV236331733US  
Date of Deposit: . . . . . August 20, 2003  
I hereby certify that this paper or fee is being deposited with the U.S. Postal  
Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10  
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Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450

Type or Print Name: . . . . . Carla Elkins  
  
Signature

Re: Applicant(s): Reiner LUDWIG et al.  
For: Communication Device and Method  
Docket No.: 43605-00032USC1

Dear Sir:

Transmitted for filing with the Patent and Trademark Office are the following documents for the above-referenced patent application:

1. Rule 53(b) Continuation
2. Specification, claims & abstract (total of 55 pages)
3. 10 sheets of drawings (figures: 1-8, 9a-9b, 10)
4. Declaration and Power of Attorney
5. Check in the amount of \$1482
6. Petition for Extension of Time
7. Acknowledgment Postcard.

Please address all communications related to this to:

Stanley R. Moore  
Jenkins & Gilchrist, P.C.  
1445 Ross Avenue, Suite 3200  
Dallas, Texas 75202-2799

In the event there is an under or over payment, please debit or credit our Deposit Account #10-0447.

Respectfully submitted,

Ross T. Robinson  
Registration No. 47,031

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
REQUEST FOR FILING RULE 53 CONTINUATION APPLICATION

In re Application of:  
Reiner LUDWIG et al.

This Application is a:

☒ Continuation )  
☐ Continuation-in-Part )  
 ) application filed under 37 CFR 1.53  
☐ Divisional )

of pending prior application:  
Serial No.: 09/353,853  
Filed: July 15, 1999

Prior Examiner: Lee, Chi Ho A.  
Prior Group: 2663

Title: Communication Device and Method

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on the date indicated above and is addressed to Mail Stop Patent Application;  
Commissioner for Patents, P.O. Box 1450; Alexandria, VA 22313-1450

Type or Print Name: . . . . . Carla Elkins  
Signature Carla Elkins

Dear Sir:

1. **Attached** is a specification including:  
☒ Abstract  
☒ Specification, claims and attachments ( 55 pages) (**must be attached**)  
☒ Drawings 10 sheet(s)/set (FIGS. 1-8, 9a-9b, 10) 1 set informal;  
☒ Formal of size ☒ 8½ x 11" ☐ A4 ☐ 13" ☐ 14"

1A. Always X one box, only:

- \_\_\_\_ 1a. Newly executed oath or declaration (original or copy) of \_\_\_\_ pages.  
X 1b. A signed declaration or oath as originally filed in a prior parent application attached. Number of pages 5

\_\_\_\_ (1) This application is filed by less than all of the inventors named in the prior application. Petition is hereby made requesting deletion as inventor(s) of the following who is/are not inventor(s) of the invention being claimed in this application:

1. \_\_\_\_ 2. \_\_\_\_  
 3. \_\_\_\_ 4. \_\_\_\_

X 1c. Incorporation by reference:  
 The entire disclosure of the prior application, from which a copy of the oath or declaration is being supplied under Box 1b is considered as being a part of the disclosure of the accompanying application and is hereby incorporated by reference herein.

\_\_\_\_ 1d. A declaration is not being supplied at this time. A declaration will be executed in due course and forwarded in accordance with 37 CFR 1.53(b) and 37 CFR 1.53(f).

\_\_\_\_ 2. Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A third copy of this letter is attached for filing in the prior application file.

X 3. Priority is claimed under 35 U.S.C. 119/365 based on filing in Europe of

<u>Application No.</u>	<u>Filing Date</u>	<u>Application No.</u>	<u>Filing Date</u>
(1) <u>98113212.9</u>	<u>July 15, 1998</u>	(4) ____	____
(2) <u>99101121.4</u>	<u>January 21, 1999</u>	(5) ____	____
(3) ____	____	(6) ____	____

- \_\_\_\_ a. \_\_\_\_ (No.) Certified copy/copies attached.  
X b. Certified copy/copies previously filed on July 15, 1999 in U.S. Application No. 09/353,853 filed on July 15, 1999.  
 \_\_\_\_ c. Certified copy/copies filed during International stage of PCT/ \_\_\_\_.  
 \_\_\_\_ d. Priority is also claimed from PCT/ \_\_\_\_ filed \_\_\_\_.

- X   4. Prior application is assigned to Telefonaktiebolaget LM Ericsson (publ), Reel 010298, Frame 0525 recorded October 12, 1999.
5. Attached is an Assignment and Cover Sheet. Please return the recorded Assignment to the undersigned.  
(NOTE: add assignment filing fee below.)
- X   6. The power of attorney in the prior application is to at least:  
The address of whom is in item 8.

THOMAS E. ANDERSON Reg. No. 37,063  
JEFFERY E. BACON Reg. No. 35,055  
ARTHUR BRADY Reg. No. 42,356  
THOMAS L. CANTRELL Reg. No. 20,849  
THOMAS L. CRISMAN Reg. No. 24,846  
WILLIAM F. ESSER Reg. No. 38,053  
STUART D. DWORK Reg. No. 31,103  
H. MATHEWS GARLAND Reg. No. 19,129  
J. KEVIN GRAY Reg. No. 37,141  
STEVEN R. GREENFIELD Reg. No. 38,166  
KEVIN R. HANSBRO Reg. No. 38,485  
J. PAT HEPTIG Reg. No. 40,643  
CRAIG A. HOERSTEN Reg. No. 38,917  
JOHN R. KIRK JR. Reg. No. 24,477

ROGER L. MAXWELL Reg. No. 31,855  
ROBERT A. McFALL Reg. No. 28,968  
LISA H. MEYERHOFF Reg. No. 36,869  
MICHELE MOBLEY Reg. No. 35,616  
STANLEY R. MOORE Reg. No. 26,958  
RICHARD J. MOURA Reg. No. 34,883  
MARK V. MULLER Reg. No. 37,509  
P. WESTON MUSSELMAN JR. Reg. No. 31,644  
RICHARD A. MYSLIWIEC Reg. No. 40,098  
SPENCER C. PATTERSON Reg. No. 43,849  
RUSSELL N. RIPPAMONTI Reg. No. 39,521  
HOLLY L. RUDNICK Reg. No. 43,065  
KEITH SAUNDERS Reg. No. 41,462  
ROBERT L. SCOTT, JR. Reg. No. 43,102

JERRY R. SELINGER Reg. No. 26,582  
BOBBY SLATON Reg. No. 43,130  
SCOTT B. STAHL Reg. No. 33,795  
ANDRE M. SZUWALSKI Reg. No. 35,701  
ALAN R. THIELE Reg. No. 30,694  
WILLIAM J. TUCKER Reg. No. 41,356  
CHARLES PATRICK TURLEY Reg. No. 35,723  
TAMSEN VALOIR Reg. No. 41,417  
RAYMOND VAN DYKE Reg. No. 34,746  
BRIAN D. WALKER Reg. No. 37,751  
GERALD T. WELCH Reg. No. 30,332

- X   7.a. Recognize Ross T. Robinson, Reg. No. 47,031 as having associate power of attorney.  
(Name and Reg. No.; Address as in item 8 unless otherwise indicated)
- 7.b.       , Reg. No.       , was recognized as associate power of attorney in the prior application.
- 7.c. Since a power does not appear in the original papers, a copy of the power in the prior application is attached.
8. Address all future communications to:

Stanley R. Moore  
Jenkins & Gilchrist, A Professional Corporation  
1445 Ross Avenue; Suite 3200  
Dallas, Texas 75202-2799

- ☒ 9. Amend the specification by inserting before the first line of the application the sentence: -- This application is a continuation of U.S. Patent application No. 09/353,853, which was filed on July 15, 1999.--
- ☐ 9a. **PRELIMINARY AMENDMENT to be entered before fee calculation:**  
Prior to a first Office Action, please .
- ☐ 10. ☐ (No.) Verified Statement(s) establishing "small entity" status under Rules 9 & 27  
☐ have been filed in above prior application (and is still be believed to be proper and desired)  
☐ are attached hereto.
- ☒ 11. **PETITION to extend the life** of the above prior application to at least the date hereof.  
(One box must be X'd)  
☒ is being concurrently filed in that prior application.  
☐ was previously filed in that prior application (Check length of prior extension).  
☐ is not necessary for copendency (**Double check** before X'ing this box).
- ☐ 12. **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing newly cited documents not cited by Applicant or the PTO in the parent application(s) relied upon under 35 U.S.C. 120 and referenced above. Per Rule 98(d) copies of those documents are not required now. Please fully consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.
- ☐ 13. Attached is a Rule 103(a) Petition to Suspend Action.
- ☒ 14. The following Filing Fee calculation is based on the claims filed.

	NO. FILED	NO. EXTRA	RATE	FEE
BASIC FEE				\$750
TOTAL CLAIMS	56-20	36	\$18	\$648
INDEPENDENT CLAIMS	4- 3	1	\$84	\$84
MULTIPLE DEPENDENT CLAIM(S) PRESENTED			\$280	
TOTAL FEES:				\$1482
Deduct one-half of fee for Small Entity				-
ASSIGNMENT RECORDAL FEE			\$40	
TOTAL AMOUNT DUE:				\$1482

X 15. ATTACHED: (other)  
Acknowledgment Postcard

X A check in the amount of \$1482 to cover the TOTAL FEE is attached. Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0447.

\_\_\_\_ Please charge my Deposit Account No. 10-0447 in the amount of \$\_\_\_\_ to cover the TOTAL FEE. This sheet is attached in duplicate.

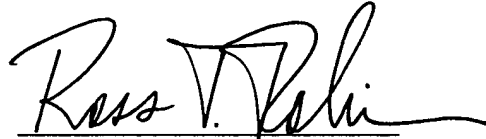
**CHARGE STATEMENT:** If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136. The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and may be required under 37 CFR 1.16-1.18 (missing or insufficiencies only) now or hereafter relative to this application and for the resulting Official Document under 37 CFR 1.20, OR credit any overpayment to our Deposit Account No. 10-0447, for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

Respectfully submitted,

JENKENS & GILCHRIST, P.C.

By:



Ross T. Robinson

Registration No. 47,031

1445 Ross Avenue; Suite 3200  
Dallas, Texas 75202  
Tel: 214/855-7300  
Fax: 214/855-4300

**NOTE:      File this Request in duplicate with a return postcard and attachments or in triplicate if item 3 is marked.**